

1 AMY K. VAN ZANT (STATE BAR NO. 197426)
avanzant@orrick.com
2 JASON K. YU (STATE BAR NO. 274215)
jasonyu@orrick.com
3 TAMMY SU (STATE BAR NO. 329652)
tsu@orrick.com
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
5 Menlo Park, CA 94025-1015
Telephone: +1 650 614 7400
6 Facsimile: +1 650 614 7401

7 Attorneys for Plaintiff
TRADESHIFT, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

12 || TRADESHIFT, INC., a Delaware corporation,

Case No. 3:20-cv-1294-RS

13 Plaintiff,

**PLAINTIFF TRADESHIFT, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF
MOTION RE THIRD PARTY
SMUCKER SERVICES CO.'S
PRIVILEGE CLAIM PURSUANT TO
FRCP 26(B)(5)(B).**

15 || BUYERQUEST, INC., an Ohio corporation

16 | Defendant

Hon. Richard Seeborg
Hon. Thomas Hixon

TRADESHIFT'S MOTION TO FILE UNDER
SEAL RE MOTION RE THIRD PARTY
SMUCKER SERVICES CO.'S PRIVILEGE
CLAIM PURSUANT TO FRCP 26(B)(5)(B)
CASE No. 3:20-cv-1294-RS

1 Pursuant to Civil Local Rules 79-5 and 7-11, Plaintiff Tradeshift, Inc. (“Tradeshift”)
2 hereby moves to file under seal certain portions of Tradeshift’s Letter Brief re Third Party
3 Smucker Services Co.’s (“JMS”) Privilege Claim Pursuant to Fed. R. Civ. P. 26(b)(5)(B).
4 Specifically, pursuant to Local Rule 79-5(e), Tradeshift seeks to seal documents and information
5 that Third Party JMS has designated as Confidential or Highly Confidential under the Protective
6 Order issued in this case or documents and information over which JMS now claims privilege
7 pursuant Fed. R. Civ. P. 26(b)(5)(B), including:

- 8 • Tradeshift’s Letter Brief containing discussions of information that JMS has
9 designated as Confidential or Highly Confidential and discussions of documents over
which JMS claims attorney-client privilege.
- 10 • **Exhibit 1**, an email and attached memorandum, originally produced at
11 TJMSC0034689-691, clawed back by JMS pursuant to Fed. R. Civ. P. 26(b)(5)(B).
- 12 • **Exhibit 7**, an email that Smucker produced at TJMSC0026002 and designated
13 “Confidential”
- 14 • **Exhibit 8**, a document Smucker Produced at TJMSC0016646 and designated
15 “Confidential”
- 16 • **Exhibit 9**, excerpts of the transcript of the May 12, 2021 Deposition of Jason Barr,
which Smucker has designated “Confidential.”

17 Pursuant to Local Rule 79-5(e), Tradeshift understands that JMS will file a declaration
18 establishing that the designated documents are sealable. For the reasons stated in said
19 declaration, Tradeshift respectfully requests the Court grant this motion to seal.
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21 Dated: May 18, 2021

ORRICK, HERRINGTON & SUTCLIFFE LLP

22 By: /s/ Amy K. Van Zant
23 AMY K. VAN ZANT

24 Attorneys for Plaintiff
25 TRADESHIFT, INC.

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28 TRADESHIFT’S MOTION TO FILE UNDER
SEAL RE MOTION RE THIRD PARTY
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